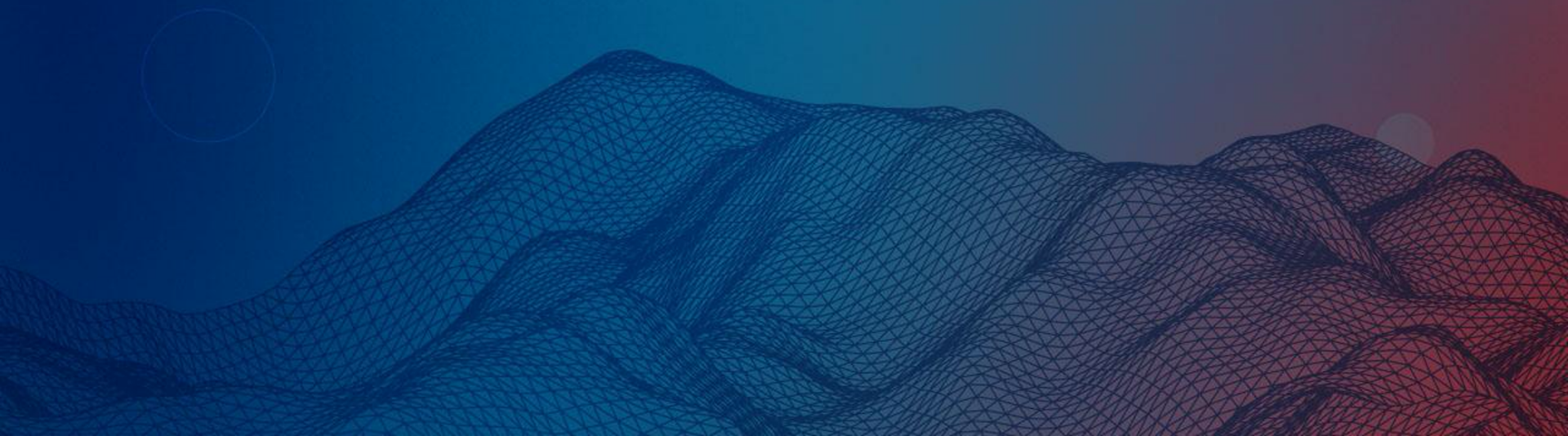


**ICANN**

**VIRTUAL COMMUNITY FORUM**

**70**



# Program Update

## ICANN Contractual Compliance



ICANN70 Prep Week  
10 March 2021

# Agenda

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Update since ICANN69 (October 2020)

- Audit of Registrar DNS Abuse Obligations
- Enforcement of Registrar Abuse Obligations via Complaint Processing
- Enforcement of the Temporary Specification via the Interim Registration Data Policy
- Enforcement Actions Overview

Questions and Answers

# Introduction

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- ICANN Contractual Compliance (“Compliance”) enforces the policies developed by the community and incorporated into the ICANN organization’s agreements with registries and registrars, and ensures these obligations are implemented to preserve and enhance the security, stability and resiliency of the Domain Name System (“DNS”).
  - Compliance undertakes enforcement actions resulting from complaints received from external users, proactive monitoring and audit-related activities.
  - Compliance participates in training and outreach sessions to increase awareness regarding contractual obligations among its contracted parties and other members of the community.

# Contractual Compliance Audit Program Update

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- In January 2021, Compliance launched an audit to assess Registrar compliance with the Registrar Accreditation Agreement obligations related to DNS security threats.
- ICANN Contractual Compliance and the Registrar Stakeholder Group collaborated in developing the Request for Information (“RFI”) which asks, among other things, for documentation related to how registrars may have addressed the potentially abusive domains.
- ICANN Contractual Compliance sent a RFI to the 127 registrars that had at least five (5) total domain names present in either:
  1. The Security Threat Reports received in the 2019 Registry Operator compliance audit program; and/or
  2. The November 2020 OCTO Abuse Reports that are compiled based on RBL metrics.

# Contractual Compliance Audit Program Update

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- Over 1,400 documents have been received from the selected registrars to date. Responses are being reviewed, meanwhile 10 third (final) RFI notices were sent, on 2 March 2021, to registrars that have not responded to the RFI.
- After reviewing submissions and any follow-up clarification obtained, ICANN will:
  - Issue a confidential initial audit report to each auditee with findings/observations. Auditee will be requested to remediate or provide clarifications (if such clarifications have not been obtained via follow-up attempts).
  - Review auditees remediations/clarifications. Follow-up, if needed.
  - Issue an individual confidential final audit report to each auditee.
  - Send a consolidated final report to the Registrar Stakeholder Group.
  - Publish the consolidated final audit report.

Find more information about ICANN Compliance audits:

<https://www.icann.org/resources/pages/audits-2012-02-25-en>

# Abuse Obligations & Complaint Processing

- Registrar-related abuse complaints are addressed under [RAA, Section 3.18](#)
  1. Investigate and respond to reports of abuse
  2. Publicly display abuse contact and procedure information
  3. Maintain records related to abuse reports
- Enforcement actions result from proactive monitoring, audit and **complaints**.
- From February 2020 to January 2021, ICANN Compliance:
  - Received 2,676 abuse complaints and sent 248 notifications to registrars.
  - Closed 80 notifications sent to registrars. Of those:
    - (1) Domain was suspended (41%); or
    - (2) Other steps were taken (e.g., providing details of the hosting provider)
  - Closed 2,279 out-of-scope complaints. Of those:
    - (1) in 58% no evidence was provided.
    - (2) in 14% domain was suspended.
    - (3) 9% involved ccTLDs.

Note: the above reflects activity during the reporting period. A complaint closed during this period could have been received in prior months, etc.

# Abuse Obligations & Complaint Processing

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- **Tips for filing** abuse complaints with ICANN Contractual Compliance:

1. Ensure you have submitted an abuse report **to the registrar first**,\* and allowed the registrar time to review and respond.
2. Provide **all the information** requested in the form.
3. Provide **copies of your reports** to the registrar and any response from the registrar.
4. Ensure your reports involve **gTLD domain names** (no ccTLDs).

\*The Registrar Stakeholder Group published [guidelines](#) for submitting abuse reports to registrars. These guidelines are not enforceable by ICANN Contractual Compliance but provide useful information to file reports with registrars.



# Implementation of Interim Policy/Temporary Specification

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## Interim Registration Data Policy and Temporary Specification Compliance

- Interim Registration Data Policy for gTLDs, effective 20 May 2019, requires continued implementation of measures consistent with Temporary Specification for gTLD Registration Data (“Temporary Specification”).
- Compliance adjusted its review of complaints to account for changes in display of Registration Data in Registration Directory Data Service (“RDDS”); e.g.:
  - Requesting additional data from reporters where necessary.
  - Requesting Registration Data from contracted parties where necessary.
  - Educating reporters regarding Temporary Specification requirements and changes to existing agreements and policies.

# Enforcement of Interim Policy/Temporary Specification

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## From February 2020 to January 2021, Compliance:

- Received 35 complaints with supporting evidence between Feb 2020 to Aug 2020; and 61 total complaints between Sep 2020 to Jan 2021, 39 of which were closed as out-of-scope.
- Sent 8 new inquiries concerning access to non-public Registration Data.
- Sent 30 new inquiries concerning the display of Registration Data in RDDS (Sections 2.1-2.6 Appendix A). 19 RDDS inquiries were closed, after the registrars remediated, while others continue remediation efforts.
- Sent 3 new inquiries concerning Consent to display Registration Data (Section 7.2).
- Sent 2 new inquiries concerning the provision of Registration Data by registrars to UDRP providers upon notification of complaint (Appendix E, Section 1.1).

Note: some inquiries above are based on complaints/information from prior months. Additional inquiries are still in process.

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# Enforcement of Interim Policy/Temporary Specification

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## Since ICANN69, Compliance has:

- Utilized new complaint forms to enhance reporting on Temporary Specification requirements through the [monthly compliance dashboard](#) beginning Sept 2020.
- Published [additional instructions](#) concerning how to submit complaints re: third-party requests for access to non-public Registration Data.
- Continued addressing previously submitted cases currently under remediation or pending further response and collaboration.
- Continued educating complainants on changes made pursuant to the Temporary Specification.

# Enforcement Actions Overview

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## From September 2020 to January 2021, Compliance:

- Received 7,644 new complaints:
  - 6,903 in registrar complaint types
  - 741 in registry operator complaint types
- **New data on complaints received:**
  - In 4,262 cases, complainants identified themselves as the current registrant (or authorized representative). Of those:
    - Approximately 73% reported transfer issues.
    - Approximately 11% reported renewal issues.
  - In 299 cases, complainants identified themselves as the former registrant.
    - Approximately 36% reported transfer issues.
    - Approximately 23% reported renewal issues.
- Most ***registrants' complaints*** received refer to ***transfer issues***.

# Enforcement Actions Overview

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## From September 2020 to January 2021, Compliance:

- Closed 3,832 out-of-scope complaints.
  - Educated complainants on ICANN's scope and provided alternatives.
  - Examples include where complainant:
    - Did not respond to ICANN's request for evidence
    - Complained about domain registered in ccTLD
    - Misunderstood ICANN's role and authority
    - Submitted duplicate complaint before resolution of original complaint
    - Submitted complaint about an issue already resolved at the time the complaint was reviewed

Note: closure reasons by complaint type are available at [Metrics and Dashboards](#)

# Enforcement Actions Overview

**From September 2020 to January 2021, Compliance sent:**

- 1,939 notifications to contracted parties (reported by 1st/2nd/3rd): 1,353/401/185

Top 3 complaints types (in volume) for which contracted parties were contacted during this time period:

Addressing Registrars' obligations related to:	1st notifications	Addressing Registry Operators' obligations related to:	1st notifications
Inter-registrar and/or inter-registrant domain transfers	438	Maintaining service levels stipulated in RA	360
The accuracy of registration data	161	Zone file access requests	66
Abuse report handling	83	Escrowing data	6
Addressing Registrars' obligations related to:	2nd notifications	Addressing Registry Operators' obligations related to:	2nd notifications
Inter-registrar and/or inter-registrant domain transfers	223	Zone file access requests	13
Providing WHOIS service	20	Escrowing data	2
Abuse report handling	14	Providing ICANN with weekly access to thin registration data/fees	1 & 1
Addressing Registrars' obligations related to:	3rd notifications	Addressing Registry Operators' obligations related to:	3rd notifications
Inter-registrar and/or inter-registrant domain transfers	99	Zone file access requests	8
Obligations with no specific complaint type (e.g., RDAP)	7	Escrowing data	2
The accuracy of registrarion data	2	Paying ICANN fees	1

*The word "notifications" refers to notices and inquiries. Numbers above do not include communications in between notifications. This chart does not reflect all complaint types for which Compliance sent notifications but the top 3 in volume only.*

- 627 closures to registrars and 86 to registry operators

# Enforcement Actions Overview

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**From September 2020 to January 2021, Compliance sent:**

- Three formal breach notices. Notices refer to the registrar's failure to:
  1. Provide records relating to transfer, renewal and registration data update requests involving more than 200 domain names.
  2. Provide WHOIS services.
  3. Escrow registration data with a provider.
  4. Pay accreditation fees.

**In February 2021**, the breach notices escalated to termination based on:

1. The registrar's failure to cure the violations in the breaches above.
2. Receiving three breach notices within a 12-month period.

Note: approach and process followed to address these complaints is explained [here](#). Details of all formal enforcement notices and status are available [here](#).

# Contractual Compliance Reporting

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- Performance reports and input are published at <https://features.icann.org/compliance>
- Other reports and blogs are published at <https://www.icann.org/resources/pages/compliance-reports-2019>



# Questions & Answers



**Send compliance questions**

To: [compliance@icann.org](mailto:compliance@icann.org)

Subject line: ICANN70 Prep Week Compliance Update

**The ICANN70 presentation will be available at:**

- The ICANN Contractual Compliance outreach page at <https://www.icann.org/resources/compliance/outreach>
- The ICANN70 Prep Week page at <https://70.schedule.icann.org/prep-week>